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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/635,800	08/11/2000	Anthony Craig Bolling	2925-196P	9234
7590 04/04/2005				
HARNESS, DICKEY & PIERCE		EXAMINER		
PO BOX 8910		HO, CHUONG T		
RESTON, VA 20195		ART UNIT PAPER NUMBER		
		2664		

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/635,800

Applicant(s)

BOLLING, ANTHONY CRAIG

Examiner

CHUONG T HO

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-12 and 15-20 is/are rejected.
- 7) ☒ Claim(s) 3,4,13 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. The amendment filed 11/12/04 have been entered and made of record.
2. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.
3. Claims 1-20 are pending.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 5-10, 11-12, 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daugherty et al. (U.S. Patent No. 5,386,417) in view of Danniell et al. (U.S. Patent No. 5,724,659).

In the claim 1, Daugherty et al. discloses it also occurs whenever subsequent changes are made to a DT's configuration, e.g., the addition of a new service port card. Specifically, then, DT (distant terminal) controller 376 within DT 370 reports to RT (remote terminal) controller 356 within RT 350 when the DT is installed. The information originated from within DT 370 and reported to the RT includes, inter alia, an identification of the particular one of the terminating access network nodes in which it is included, i.e., DT 370; its equipment configuration; its currently provisional capabilities; and information about each of its service ports. The communication between DT controller 376 and RT controller 365 which is set aside for the communication of administrative messages between the RT and DT (see col. 7, lines 50-60); comprising:

Selecting changing an allocation of distribution channels for a plurality of drop points (90_1, see figure 3) in accordance with subscriber provisioning selection (see col. 7, lines 50-60, col. 8, lines 20-30, figure 3).

However, Daugherty et al. is silent to disclosing receiving, at a remote provisioning control site, a subscriber provisioning selection via a subscriber accessible provisioning terminal.

Danniel discloses receiving, at a remote provisioning control site, a subscriber provisioning selection (channel bandwidth request) via a subscriber accessible provisioning terminal (see figure 3, col. 3, lines 41-45, col. 4, lines 32-40).

Both Daugherty and Danniel are directed to channel request service. Danniel recognizes that after prompt the subscriber authorize to change channel bandwidth request, the bandwidth controller accommodate the subscriber's selection if there is sufficient bandwidth. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Daugherty with the teaching of Danniel to change channel bandwidth in order to allow subscriber to efficiently utilize in the short-term.

6. In the claim 11, Daugherty et al. discloses it also occurs whenever subsequent changes are made to a DT's configuration, e.g., the addition of a new service port card. Specifically, then, DT (distant terminal) controller 376 within DT 370 reports to RT (remote terminal) controller 356 within RT 350 when the DT is installed. The information originated from within DT 370 and reported to the RT includes, inter alia, an identification of the particular one of the terminating access network nodes in which it is

included, i.e., DT 370; its equipment configuration; its currently provisional capabilities; and information about each of its service ports. The communication between DT controller 376 and RT controller 365 which is set aside for the communication of administrative messages between the RT and DT (see col. 7, lines 50-60); comprising:

Selecting changing an allocation of distribution channels for a plurality of drop points (90_1, see figure 3) in accordance with subscriber provisioning selection (see col. 7, lines 50-60, col. 8, lines 20-30, figure 3).

However, Daugherty et al. is silent to disclosing receiving, at a remote provisioning control site, a subscriber provisioning selection via a subscriber accessible provisioning terminal of a subscriber site where a plurality of distribution channels are allocated to a plurality of drop points.

Danniel discloses receiving, at a remote provisioning control site, a subscriber provisioning selection (channel bandwidth request) via a subscriber accessible provisioning terminal of a subscriber site where a plurality of distribution channels are allocated to a plurality of drop points (see figure 3, col. 3, lines 41-45, col. 4, lines 32-40).

Both Daugherty and Danniel are directed to channel request service. Danniel recognizes that after prompt the subscriber authorize to change channel bandwidth request, the bandwidth controller accommodate the subscriber's selection if there is sufficient bandwidth. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Daugherty with the teaching of

Danniel to change channel bandwidth in order to allow subscriber to efficiently utilize in the short-term.

7. In the claims 2, 12, Daugherty discloses transmitting subscriber (90_1, figure 3) provisioning selection (channel bandwidth requests) to the remote provisioning control site (remote terminal 350, figure 3) (see col. 7, lines 50-60, col. 8, lines 20-30, figure 3).

8. In the claims 5, 15, Danniel et al. discloses confirming subscriber authorization for changing an allocation of distribution channels (channel bandwidth requests) (see figure 3, col. 3, lines 41-45, col. 4, lines 32-40).

In the claims 6, 16, Daugherty discloses wherein plurality of distribution channels are time division multiplexed, and step of selectively changing distribution channel allocation changes cross-connections of a time slot interchange unit (see col. 7, lines 50-60, col. 8, lines 20-30, figure 3) (see col. 12, lines 20-23).

9. In the claims 7, 17, Danniel discloses wherein plurality of distribution channels are provided by a high-bandwidth transmission lines (see figure 3, col. 3, lines 41-45, col. 4, lines 32-40).

10. In the claims 8, 18, Daugherty discloses wherein high-bandwidth transmission line is a T1 line, and plurality of distribution channels are time-division multiplexed on T1 line (see col. 7, lines 50-60, col. 8, lines 20-30, figure 3) (see col. 12, lines 20-23).

11. In the claims 9, 19, Daugherty discloses wherein subscriber site is a distant terminal (370) in a digital loop carrier system (see figure 3, see col. 7, lines 50-60, col. 8, lines 20-30) (see col. 12, lines 20-23).

12. In the claims 10, 20, Daugherty discloses wherein remote provisioning control site (350) is a remote terminal in a digital loop carrier system (see col. 7, lines 50-60, col. 8, lines 20-30, figure 3) (see col. 12, lines 20-23).

Allowable Subject Matter

13. Claims 3, 4, 13, 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: the prior art (5386417, 5724659) of record does not appear to teach or render obvious the claimed limitations in combination with the specific added limitations, as recited from dependent claims 3, 13: "wherein said remote provisioning control site determines whether said subscriber provisioning selection is acceptable, sends an acknowledgement to said provisioning terminal when said subscriber provisioning selection is acceptable, and sends an error signal when said subscriber provisioning selection is not acceptable".

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHUONG T HO whose telephone number is (571) 272-3133. The examiner can normally be reached on 8:00 am to 4:00 pm.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

03/31/05



WELLINGTON CHIN
SUPERVISORY PATENT EXAMINER